

## **8.4            Land Use**

The Henrietta Peaker Project (HPP) consists of a 91.4-megawatt (MW) (net), natural-gas-fired, simple-cycle power plant located approximately 10 miles southwest of Lemoore, California, on a seven-acre portion of a 20-acre parcel owned by GWF Energy LLC. The HPP will interconnect to the existing adjacent Pacific Gas and Electric Company (PG&E) Henrietta Substation through a new 550-foot 70-kilovolt (kV) transmission line supported on two new transmission poles. Other linear facilities include an approximately 16.5-foot water interconnection pipeline (from the site property boundary) and a 2.2-mile Southern California Gas Company natural gas interconnection pipeline. Additionally, approximately five acres will be used for temporary construction laydown and parking.

This section inventories existing land uses in the vicinity of the proposed HPP site and discusses the potential land use impacts associated with the project. Land uses are described within one mile of the HPP site and within one-quarter mile of the proposed transmission and natural gas pipeline corridors. The land use issues have been identified and evaluated based on onsite reconnaissance surveys, a review of current U.S. Geological Survey 7.5-minute topographic quadrangle maps, aerial photography, a review of local land use ordinances, and a review of the land use goals and policies identified in the Kings County General Plan.

The local, state, and federal agencies with jurisdiction over the HPP are identified, as are their respective plans, policies, laws, and regulations (including zoning). The conformance and compatibility of the HPP with local plans and regulations and general land use are evaluated. Planned development and land use trends in the area of the HPP site are identified based on currently available development plans. Reasonably foreseeable future development projects within the affected area are noted. Where appropriate, mitigation measures are proposed to reduce the potential land use impacts to acceptable levels.

### **8.4.1            Affected Environment**

The California Energy Commission (CEC) defines the affected environment of a project as the study area boundary. For the proposed HPP, the affected environment includes, but is not limited to, the territory within one mile of the HPP site and all lands within one-quarter

mile of the associated transmission and natural gas pipeline routes. The zoning districts in the affected environment are shown on Figure 8.4-1.

Governmental jurisdictions within the affected region include Kings County and the U.S. Department of Defense, specifically Naval Air Station (NAS) Lemoore, as shown on Figure 8.4-2. The existing transmission lines are within one mile of the proposed HPP property and are discussed in Section 6.0 (Electric Transmission).

Figure 8.4-3 identifies existing land uses and potentially sensitive land uses in the project vicinity. Potentially sensitive land uses include recreational and religious sites, agricultural areas, schools, churches, health care facilities, parks, commercial and residential areas, airports and landing strips, and radar sites. Sensitive land uses can also include cultural and historical sites and natural scenic areas. See Section 8.3 (Cultural Resources) and Section 8.11 (Visual Resources) for assessments of these environmental topics. Table 8.4-1 summarizes the land uses identified on Figure 8.4-3.

Section 8.9 (Agriculture and Soils) describes the proximity of prime, statewide, and unique farmland to the project site, as designated by the Natural Resources Conservation District, and any potential project-related impacts on such lands.

The affected environment is discussed in Section 8.4.3 by project component. Topics addressed include existing and proposed land uses, sensitive land uses, jurisdictions and associated land use plans (i.e., general plans), zoning, subdivision, and the general plan goals, policies, and implementation guiding development at the HPP site. Land ownership patterns are discussed in accordance with the CEC Guidelines (CEC, 2000).

## **8.4.2 Land Use Plans and Policies**

### **8.4.2.1 City and County**

The proposed locations of the HPP and associated transmission and natural gas routes are entirely within unincorporated areas of Kings County; therefore, no city land use plans or policies apply to the project. If not for the exclusive jurisdiction of the CEC, Kings County

would have authority over the location and conditions of energy development in unincorporated areas of the county.

The Kings County General Plan includes specific policies intended to ensure appropriate development in unincorporated areas of the county. It contains seven elements: land use, resource conservation, open space, circulation, housing, safety, and noise. The policies and goals of the Kings County General Plan that apply to the HPP are summarized in Table 8.4-2.

The Kings County General Plan divides all unincorporated lands in the county into general land use designations and includes provisions that specify acceptable uses. Land use designations in a general plan are intended to guide land use patterns and development. The land use designations described in the Kings County General Plan that are pertinent to the affected environment of the proposed HPP are summarized in Table 8.4-3.

The Kings County Zoning Ordinance specifies the zoning districts that correspond with the land use designations of the General Plan. The Zoning Ordinance sets the development standards, such as allowable uses, activities, setbacks, and height requirements for each zoning district in the unincorporated areas. Table 8.4-4 depicts the actual zoning designations by project component, and Table 8.4-5 gives definitions for each zoning district. The Kings County General Plan is the only land use management plan relevant to the affected environment of the proposed HPP.

The Kings County Land Division Ordinance, adopted pursuant to the Subdivision Map Act, requires that every subdivision created through sale, lease, or financing of unincorporated County lands be recorded on a tract or parcel map (Kings County Planning Department, 1998). Tract maps, required for subdivisions consisting of five or more parcels, and parcel maps, required for subdivisions consisting of four or fewer parcels, represent discretionary approvals. Normally, the Kings County Planning Department is the primary review agency for subdivision applications and oversees the review process. Final approval has been granted by the Planning Commission for a parcel map waiver (see Appendix D).

**8.4.2.2 State**

The CEC has both policy development and exclusive permitting responsibilities for generating projects that have a capacity of over 50 MW. However, the CEC license must incorporate conditions that require compliance with all applicable LORS. Generating facilities such as the proposed HPP require CEC approval. The CEC is also the lead agency in the implementation of the California Environmental Quality Act (CEQA) and must follow appropriate state law and guidelines in its review and decision-making.

The California Department of Conservation, Division of Land Resources Protection implements the Williamson Act, a state land use policy that is intended to preserve agricultural land and open space. The Williamson Act is implemented by creating a voluntary contract with property owners that restricts land use for 10 years, with an automatic annual renewal. In return for the agreement to restrict the use of land for agriculture, the landowner receives preferential property tax rates based on the current use of the land rather than its market value. Williamson Act contracts may be cancelled by Kings County upon a finding by the county that the cancellation is in the public interest and payment of a cancellation fee. The cancellation becomes effective upon issuance of an entitlement for conversion of the land to its new use. A copy of the Tentative Cancellation of Land Conservation Contract for the 20-acre HPP parcel is included in Appendix D.

**8.4.2.3 Federal**

The Federal Aviation Regulations (Section 77.13 ff, Part 77) require notice of any construction or alteration that is (a) more than 200 feet in height above ground level, or (b) greater than identified heights at specified radii and slopes from the nearest runway of certain airports. The proposed HPP and the associated transmission and natural gas pipelines will neither exceed 200 feet in height nor the most restrictive radius and slope requirement. In addition, the HPP will not exceed the height of neighboring transmission towers. No other applicable federal land use plans or policies have been identified for the proposed HPP.

### **8.4.3 Description of the HPP and Components**

#### **8.4.3.1 Proposed HPP**

The proposed HPP site is located within unincorporated land in Kings County. The seven-acre plant site is on a 20-acre parcel acquired by GWF; this parcel is situated on the east side of 25th Avenue, approximately one mile south of the intersection of State Route (SR) 198 and 25th Avenue. The HPP is directly south and adjacent to the PG&E Henrietta Substation. An unpaved farm road that separates Sections 27 and 34 on property owned by PG&E currently provides access to the agricultural land in production to the south. The HPP site will be accessed from 25th Avenue. A detailed description of the proposed HPP, the transmission route, and the natural gas pipeline can be found in Sections 2.0 (Project Description), 6.0 (Electric Transmission), and 7.0 (Natural Gas Supply). Figures 8.4-1 and 8.4-3 illustrate the zoning districts and existing land uses, respectively, within a one-mile radius of the HPP. Existing land uses, general plan designations, and zoning are also summarized in Tables 8.4-1, 8.4-2, 8.4-3, 8.4-4, 8.4-5, and 8.4-7.

The proposed transmission route runs approximately 400 feet north and 150 feet east of the proposed HPP site to the PG&E Henrietta Substation. The proposed natural gas pipeline will be constructed within a designated utility corridor running south on the east side of 25th Avenue. From the intersection of 25th Avenue and the adjacent unpaved farm road, the utility corridor includes 30 feet on each side of the centerline of 25th Avenue (north of this intersection portions of the utility corridor are offset to the east). The proposed natural gas pipeline will cross the Avenal Cutoff before reaching the connecting point with the Southern California Gas Company Line 800. There is no designated utility corridor south of the Avenal Cutoff (Kings County Public Works Department, 2001). A 40-foot-wide easement has been granted from KJC Farms to construct the natural gas pipeline interconnect south of the Avenal Cutoff (Appendix D4).

The HPP will receive its water supply from the Westlands Water District pipeline directly adjacent to the western property line of the site parcel.

**Land Acquisition.** GWF purchased the 20-acre HPP site from John and Sally Oliveira, the private landowners. The minimum lot size for districts zoned Exclusive Agricultural (AX) is 40 acres; however, a parcel of no less than one acre is allowed in the AX district for specified conditional uses, including electric generation. An Application for Parcel Map Waiver was submitted on May 25, 2001 to Kings County Planning Department. The Kings County Board of Supervisors granted a waiver on July 9, 2001 (Appendix D3).

Although lands within one-quarter mile of the proposed transmission route and within one mile of the HPP site are zoned AX (see Figures 8.4-1 and 8.4-3) and are currently in agricultural production (URS, 2001), the HPP will permanently impact only the seven-acre proposed plant site. As described in detail below, the plant site is bordered by 25th Avenue to the west, a farm road to the north, and a transmission line that crosses the southeastern portion of the parcel. The proposed new transmission line is approximately 550 feet in length.

Kings County has an existing easement that runs along each side of 25th Avenue. Construction of the proposed natural gas pipeline within this easement will require an encroachment permit. South of the Avenal Cutoff, an easement from KJC Farms has been granted for the construction of the natural gas pipeline. The landowners along the transmission and natural gas corridors are listed in Table 8.4-6 and shown on Figure 8.4-4. All private easements for the offsite linear facilities have been finalized.

**Existing and Proposed Land Uses.** Figure 8.4-3 shows existing land uses within the HPP site and in the surrounding one-mile area. The plant site itself is located at the northwestern corner of Section 34, which is currently under active agricultural use (see Table 8.4-4). The site is bordered by a paved county road to the west and by the adjacent unpaved farm road to the north. Across the unpaved farm road is the Henrietta Substation operated by PG&E. Existing transmission corridors connecting with the Henrietta Substation cross the HPP site and surround the proposed plant site itself, isolating the plant site from the remainder of the adjoining agricultural land. Other nonagricultural uses within the surrounding one-mile area include the presently closed New Star facility, located approximately 0.7 miles south on the eastern side of 25th Avenue, and portions of an approximately 275-acre complex of sewage wastewater ponds at NAS Lemoore. NAS Lemoore (extending east and west of 25th

Avenue north of SR 198) and a Pacific Bell facility (on the south side of SR 198, approximately 1.4 miles east of 25th Avenue) are located just outside the one-mile radius. With these exceptions, the remainder of the surrounding one-mile area is currently used for agricultural purposes.

The proposed HPP site portions of the transmission line, the 16.5-foot water interconnection, and the natural gas pipeline routes are located on property under Williamson Act contract (see Section 8.9, Agriculture and Soils). However, the natural gas pipeline will be buried and will not change the existing use. The gas line, transmission line, and water interconnection are compatible uses with agriculture under the Williamson Act (Government Code Section 51238.1). In addition, as noted above, the HPP site is surrounded on two sides by roads, and by existing transmission corridors on the remaining sides. According to the Kings County Planning Department, no proposed industrial developments are planned within a two-mile radius of the plant site (Kings County Planning Department, 2001b).

Three projects are currently under review in other areas of Kings County. In the Hanford area, the Hanford Church of Nazarene is proposing a church and parsonage for 8635 Lacey Boulevard. Hanford Christian Care has proposed an assisted-living facility that will include adult daycare and staff housing (Kings County Planning Department, 2001b). Both projects are approximately 20 miles east of the project site.

The third project, an expansion of the V&F Dairy in Lemoore (approximately 6.5 miles east of the project site), is presently on hold pending release of the latest amendment to the dairy element of the General Plan (Kings County Planning Department, 2001b).

**Agency Approvals.** Approval by the Kings County Planning Department was required to obtain an in-lieu parcel map. A resolution by the Kings County Board of Supervisors authorizing cancellation of the Williamson Act contract was also required. These approvals from Kings County have been received (see Appendix D). An application for a nondiscretionary encroachment permit from Kings County for natural gas pipeline construction in an existing public utility easement will be submitted by Southern California Gas Company.

**Potentially Sensitive Land Uses.** There are no parks, recreational areas, educational facilities, religious sites, agricultural areas, health care facilities, or commercial uses on the HPP site or within a one-mile radius of the site (see Section 8.1, Air Quality, and Section 8.5, Noise, for additional information regarding sensitive land uses).

**Zoning.** As shown on Figure 8.4-1, the proposed HPP site and the area surrounding the site are zoned AX (see Table 8.4-5). Pursuant to Kings County Ordinance No. 269.53, thermal power-generating facilities are a conditionally permitted use for areas zoned AX and General Agricultural (AG-40) (Kings County Planning Department, 2001). Thus, if the CEC did not have exclusive jurisdiction, the proposed project would be an allowable use upon receipt of a conditional use permit.

**Land Ownership Patterns.** Both public and private land ownership is found within one mile of the proposed HPP site and in the surrounding study area. The United States of America (NAS Lemoore) holds the public lands in the vicinity of the HPP. Appendix D1 lists the surrounding property owners within 1,000 feet of the proposed HPP site and within 500 feet of the proposed linear facilities.

**Land Use Goals, Policies, and Implementation.** Land use goals and policies pertaining to Kings County energy development and transmission lines are expressed in the Kings County Zoning Ordinance, Section 1710, which governs review of utility towers under the jurisdiction of the Public Utilities Commission. Routes for overhead transmission lines must be submitted to the zoning administrator for nonbinding review and recommendations as to the route, placement, and height of the towers, and the effect on land use (Kings County Planning Department, 2001).

#### **8.4.3.2 Proposed Transmission Route**

The proposed 70-kV transmission line will originate at the HPP site and extend north approximately 400 feet and east 150 feet to the Henrietta Substation (see Figure 8.4-2). The transmission poles for the line will be located within the adjacent PG&E parcel. Figures 8.4-1 and 8.4-3 illustrate the zoning and existing land uses, respectively, along the proposed



transmission route. Existing land uses, general plan land uses, and zoning within the transmission line corridor are summarized in Tables 8.4-1, 8.4-2, 8.4-3, 8.4-4, 8.4-5, and 8.4-7.

**Existing and Proposed Land Uses.** The proposed transmission route crosses contiguous lands between the HPP parcel and the Henrietta Substation, as shown on Figure 8.4-3. The HPP site is located within unincorporated Kings County. There are no residences within one-quarter mile of the transmission route (URS, 2000), and no residential developments are currently proposed in the study area along the route (Kings County Planning Department, 2001b). The proposed transmission route does not cross any transportation route other than the adjacent unpaved farm road.

**Agency Approvals.** With the exception of the zoning administrator's nonbinding review of proposed overhead electric transmission routes under the jurisdiction of the Public Utilities Commission, no discretionary approvals from Kings County would be required.

**Potentially Sensitive Land Uses.** No potentially sensitive land uses occur within one-quarter mile of the proposed transmission route. The nearest residences to the transmission line (condominiums on NAS Lemoore) are approximately 1.5 miles northeast of the proposed transmission route, north of SR 198 and 0.5 miles east of 25th Avenue.

**Zoning.** The single zoning designation within one-half mile of the proposed transmission route is AX (County). Figure 8.4-1 illustrates the zoning districts along the route. These districts are also described in Table 8.4-5.

### **8.4.3.3 Proposed Natural Gas Pipeline Route**

The proposed natural gas pipeline route for the HPP originates at the plant site and runs south along the east side of 25th Avenue for approximately 1.1 miles to the Avenal Cutoff. The line crosses the Avenal Cutoff and continues south along the eastern side of the now unpaved 25th Avenue for an additional mile to the connection point with Southern California Gas Company Line #800. The proposed natural gas pipeline route lies entirely within unincorporated Kings County (see Figure 8.4-2).

**Agency Approvals.** An encroachment permit is required for the natural gas pipeline route, because the pipeline will be located in the Kings County public utility easement north of the Avenal Cutoff. Rights-of-way or easements have been obtained from the property owners for the portion of the pipeline south of the Avenal Cutoff. GWF submitted a permit application to the Kings County Public Works Department and concluded discussions with the property owners in July 2001.

**Potentially Sensitive Land Uses.** No potentially sensitive land uses occur within one-quarter mile of the proposed natural gas pipeline route. The nearest residences to the pipeline route are at NAS Lemoore, approximately 1.5 miles northeast of the northern boundary of the HPP site.

**Zoning.** The zoning designations within one-half mile of the proposed natural gas pipeline route include AX (County) and AG-40 (County). Figure 8.4-1 illustrates the zoning districts along the route. These districts are also described in Table 8.4-5.

#### **8.4.3.4 Water Supply Pipeline Connection**

The proposed 16.5-foot water supply pipeline for the HPP originates at the northwest corner of the plant site parcel and connects to a standpipe that taps an existing Westlands Water District water distribution pipeline, which follows the eastern side of 25th Avenue running north and south. The proposed pipeline lies entirely within unincorporated Kings County (see Figure 8.4-2).

**Agency Approvals.** An encroachment permit is required for the proposed water supply pipeline route because the pipeline will be located in the Kings County public utility easement. GWF submitted a permit application to the Kings County Public Works Department and concluded discussions with PG&E, the property owner, in July 2001.

**Potentially Sensitive Land Uses.** No potentially sensitive land uses occur within one-quarter mile of the proposed water supply pipeline route. The nearest residences to the water pipeline route are located at NAS Lemoore, approximately 1.5 miles northeast of the northern end of the pipeline.

**Zoning.** The single zoning designation within one-half mile of the proposed water supply pipeline route is AX (County). Figure 8.4-1 illustrates the zoning districts along the route. These districts are also described in Table 8.4-5.

#### **8.4.3.5 Recent Applications and Trends in Zoning Changes**

There have been 28 discretionary project reviews by Kings County within the 18 months prior to this Application for Certification (AFC) (Kings County Planning Department, 2001a, 2001b). Of these projects reviews, one has been a residential project, two have been public projects, four have been commercial/retail projects, six have been industrial projects, and 15 have been agricultural projects. The industrial projects included a surface mining project and a number of communication-related projects. A list of the discretionary reviews is included in Appendix D2.

A recent change to a zoning designation in Kings County has been completed. The proposal will redesignate a parcel along the southeast corner of SR 43 and Hanford-Armona Road from General Agricultural (AG-40) to either Public Facility or Light Industrial for a fire station (Kings County Planning Department, 2001b).

#### **8.4.4 Environmental Consequences**

This section discusses the environmental consequences of the HPP within one mile of the proposed site and within one-quarter mile of the proposed transmission and natural gas pipeline routes. The potential environmental consequences concern both the construction and the operation of the generating plant, the transmission line, and the natural gas pipeline.

##### **8.4.4.1 Significance Criteria**

Significance criteria from the CEC Guidelines (CEC, 2000) and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq., 1999) were used to determine whether significant impacts could occur as a result of the HPP. According to Appendix G of the CEQA Guidelines, land use impacts are considered significant if the project will:

- Conflict with the adopted environmental plans and goals of the community where a project is located; displace a large number of people or induce substantial population growth; disrupt or divide an established community; convert or impair prime agricultural land; or conflict with established recreational, educational, religious, or scientific uses of the area.

According to CEC requirements, the following effects are considered significant:

- Noise and odor nuisances that will cause existing land uses to cease or be adversely affected, or inhibit the development of future land uses;
- Traffic problems that will restrict access, adversely affecting land uses, such as residential or commercial; or
- Visual impacts that will affect land uses, such as recreation.

#### **8.4.4.2 Impacts of the Proposed HPP**

**Construction-Related Impacts.** Construction activities will be performed in such a way as to minimize interference with existing agricultural and energy-related uses. Construction activities could affect local roadways by adding additional traffic along access routes to existing industrial operations in the area. These potential impacts are discussed in Section 8.10 (Traffic and Transportation).

Residences in the vicinity of the proposed HPP may experience short-term impacts associated with facility construction, including visual disruption, increased noise and dust, and increased traffic and vehicle emissions due to project equipment and vehicles using surrounding roadways (see Sections 8.1, 8.5, 8.10, and 8.11). However, as noted above, the nearest residences are approximately 1.5 miles to the northeast and across SR 198.

Material and equipment staging areas will be required for the construction period. An approximately five-acre staging area will accommodate employee parking, field offices, laydown, and storage for materials, equipment, and vehicles. The staging areas will be east and south of the seven-acre HPP site within the 20-acre parcel. The site is on agricultural land and has no known environmentally sensitive areas.

Overall, construction impacts are considered insignificant, because they will result from construction of a compatible land use that expands an existing energy-related area, and will be temporary (approximately five months).

**Operations-Related Impacts.** The proposed HPP will be adjacent to an existing electric substation and will be designed for an operating life of 30 years. The HPP will further develop an area committed to energy-related uses, rather than introduce industry to a nonindustrial area. The proposed use of the site is compatible with adjacent uses, as evidenced by its inclusion as a conditionally permitted use in the Kings County Zoning Ordinance. The operations of the proposed plant are not expected to result in significant adverse impacts to surrounding land uses.

**Compatibility with Existing and Proposed Land Uses.** The Kings County General Plan indicates that thermal-power-generating facilities are compatible with adjacent utility distribution areas (Kings County General Plan, 1993 [2001]). The proposed HPP will create power generation use in an area already committed to energy-related uses. The HPP will be consistent with the existing uses in the vicinity.

The operation of the HPP is not expected to result in an influx of workers to Kings County (see Section 8.10). The impact of the proposed HPP on recreational facilities will be insignificant and will not result in an increased demand on area facilities or services.

**Consistency with Existing Land Use Plans, Policies, and Regulations.** The current Kings County zoning designation at the proposed HPP site is AX. Thermal-power-generating facilities are conditionally permitted uses within the AX district. The minimum lot size requirement for such uses of land zoned AX is one acre. The HPP is therefore consistent with the applicable land use plans, policies, and regulations.

#### **8.4.4.3 Impacts of the Proposed Transmission Line, Natural Gas Pipeline, and Water Supply Pipeline**

**Construction-Related Impacts.** The construction activities associated with the proposed transmission line, natural gas pipeline, and water supply pipeline are expected to occur

over a five-month period. Construction will be undertaken in a way that minimizes interference with existing land uses in the proposed corridors.

The assessment of construction impacts along the proposed transmission route considered of the type of structures to be installed, access to these structures, and temporary construction area requirements. For additional information on these structures, refer to Section 6.0 (Electric Transmission). Construction of the transmission line will temporarily disturb approximately 0.6 acres and will not permanently disturb land outside the fenced areas of the Henrietta Substation or the HPP site. The safety measures listed in Section 8.7 (Worker Health and Safety) will be implemented during the construction of the transmission lines and associated structures.

All structures will be located near or along existing roads. A suitable marking system will be developed to ensure that construction personnel use designated access routes.

Construction impacts along the natural gas and water supply pipeline routes will result during the installation of buried pipelines. No aboveground structures are associated with the proposed gas or water lines. An area approximately 20 feet wide along the length of the proposed routes will be disturbed during construction. Construction of the proposed gas line will temporarily disturb approximately 5.1 acres, but will not permanently disturb land because the line will be entirely underground. The proposed line is near existing roads for its entire length, and all but about 1.7 acres of temporary disturbance will occur in an existing public utility easement. Approximately two acres are required for material and equipment staging during construction. The water pipeline will be approximately 16.5 feet in length and runs from the site boundary to the nearby Westlands Water District pipeline. The onsite portion of the pipeline will be constructed as part of the overall project development.

The residential areas in the project vicinity may experience short-term impacts associated with facility construction, including visual disruption, an increase in noise and dust, and an increase in traffic and vehicular emissions, because project equipment and vehicles will use surrounding roadways. However, these potential impacts will occur only during project construction, and significant long-term impacts are not anticipated (see Sections 8.1, 8.5, 8.10, and 8.11).

There are no schools, hospitals, parks, or other sensitive land uses within one-half mile of the proposed transmission and natural gas pipeline routes.

**Operations-Related Impacts.** Following installation of the transmission structures, the affected land will be restored to its original condition wherever possible. There will be no operational impacts, as all structures will be located within the fenced areas. No access routes are required.

**Compatibility with Existing and Proposed Land Uses.** Existing land uses along the proposed transmission and natural gas pipeline routes include agricultural operations, agricultural distribution facilities, and developed public utility uses. These proposed routes traverse slightly more than two miles of roads within active agricultural areas. The Kings County General Plan provides for thermal power generation as a conditionally permitted use in areas designated AG-40. Public utilities are a compatible use in undeveloped areas designated for agricultural use. Because the zoning designations along the proposed transmission route are compatible with utility facilities, there are no conflicts between the new and existing land uses.

There are no residences or schools within the study area, and no residential developments have been proposed in the area along the proposed transmission or pipeline routes. Therefore, no adverse impacts to sensitive land uses are anticipated from the operation of the proposed HPP and its associated linear facilities.

**Consistency with Existing Land Use Plans, Policies, and Regulations.** The proposed transmission and pipeline routes traverse land zoned for agricultural use by the County and are located in public utility easements or beneath existing roads; thus, these linear facilities are compatible with existing land use plans and policies.

#### **8.4.5 Indirect Effects**

The HPP site is located in unincorporated Kings County adjacent to an existing electrical substation. The HPP could continue a trend toward energy-related uses in this part of Kings County. Permanent conversion of agricultural lands to nonagricultural use is limited to the site of the proposed HPP facility. Increased industrial activity due to the HPP might increase the possibility of other lands under agricultural production being converted to nonagricultural

uses. However, the proposed location of the HPP minimizes the impact on agricultural lands by reducing the requirement for extended utility connections.

The proposed natural gas pipeline will be built in existing right-of-way corridors or below existing roads. The transmission line will cross the property boundary between the HPP site and PG&E's parcel. The pipeline will use an existing corridor, thus limiting the overall impact by reducing the amount of land that would otherwise be converted. There are no indirect effects associated with a 16-foot water line, sized to serve only the HPP.

The consolidation of aboveground transmission lines in established transmission corridors minimizes the overall land use impact and is consistent with the Kings County General Plan land use element. Placement of the natural gas pipeline within an existing public utility easement is also consistent with the Kings County General Plan land use element (Kings County Planning Department, 1993 [2001]).

#### **8.4.6 Cumulative Impacts**

The proposed linear facilities (transmission lines, natural gas pipeline, and water supply pipeline) will not cause a significant change in the character of the region when considered in conjunction with similar, planned projects (see Sections 6.0, 8.4.3.2). The proposed HPP will affect land use in its vicinity by increasing the concentration of industrial activity. However, it will not result in changes to existing land use patterns and is consistent with current zoning. No other energy-related projects are planned or proposed in the vicinity of the HPP. As a result, the cumulative land use impacts are considered insignificant.

The proposed HPP will convert seven acres of agricultural land to electric utility uses. This limited conversion of land adjacent to developed public utility lands will result in an incremental loss of agricultural lands. The proposed location of the HPP minimizes the impact on agricultural lands and is consistent with the County's land use planning goal of consolidating industrial uses. Further, because the proposed location of the switchyard is adjacent to two permanent barriers to agricultural production (25th Avenue and the Henrietta Substation), the proposed switchyard is consistent with the requirements of the Kings County General Plan to minimize the conversion of agricultural land. Therefore, the proposed switchyard will have an



insignificant impact on land use patterns. No significant unavoidable adverse impacts will occur to land uses due to the construction or operation of the HPP and associated transmission and pipeline routes.

#### **8.4.7 Conditions of Certification**

Proposed conditions of certification are contained in Appendix K. These conditions are proposed in order to ensure compliance with applicable LORS and/or to reduce potentially significant impacts to less-than-significant levels.

#### **8.4.8 Agency Contacts**

<b>Agency</b>	<b>Contact/Title</b>	<b>Telephone</b>
Kings County Planning Department 1400 W. Lacey Blvd. Hanford, CA 93230	William R. Zumwalt Director	(559) 582-3211

#### **8.4.9 LORS Compliance**

The CEC has exclusive jurisdiction over power plant siting and licensing for plants more than 50 MW in size, such as the HPP. The CEC is the lead agency pursuant to CEQA. This AFC has been prepared in accordance with the CEC and CEQA Guidelines.

The proposed HPP site is located entirely within unincorporated areas of Kings County. The Kings County General Plan identifies goals and policies regarding energy and industrial development. The proposed HPP will conform to these goals and policies.

The proposed transmission and natural gas pipeline routes will traverse lands under the jurisdiction of Kings County. The proposed transmission line and its associated structures will be constructed in compliance with the regulations and standards of Kings County.

A summary of the applicable laws, ordinances, regulations, and standards (LORS) related to land use is included in Table 8.4-8.

#### 8.4.10 Schedule of Other Required Permits/Approvals

Permit/Approval	Project Component	Responsible Agency	Schedule
Parcel Map Waiver	HPP	Kings County Planning Department	Issued (see Appendix D)
Cancellation of Williamson Act Contract	HPP	Kings County Planning Department	Issued (see Appendix D)

#### 8.4.11 References

California Energy Commission (CEC), 1997. *Siting Regulations: Rules of Practice and Procedure and Power Plant Site Certification Regulations.*

Kings County Assessor's Office, 2001. Telephone communications between Datha Ivie and Joyce Babin, Kings County Assessor's Office, and J. Adams, URS Corporation.

Kings County Planning Department, 1993 [2001]. Kings County General Plan. Updated January 2001.

Kings County Planning Department, 1994. Kings County Airport Land Use Compatibility Plan. (includes excerpts from the Federal Aviation Regulations, Part 77)

Kings County Planning Department, 1999 [2000]. Kings County Zoning Ordinance. Updated November 2000.

Kings County Planning Department, 2001. Kings County Assessor's Map.

Kings County Planning Department, 2001a. Personal communication between Chuck Kinney and Steve Sopp, Kings County Planning Department, and J. Adams, URS Corporation.

Kings County Planning Department, 2001b. Various telephone communications between Dottie Agueda, Chuck Kinney, and Rick Williams, and J. Adams, URS.

Kings County Public Works Department, 2001. Telephone communication between Jerry Reese and Tony Gomes, Kings County Public Works Department, and J. Adams, URS Corporation.

URS, 2001. Field reconnaissance performed by J. Adams, URS Corporation.

**TABLES**

**Table 8.4-1**  
**Existing Land Uses in the Study Area**

<b>Project Component</b>	<b>Existing Land Uses (General Type)<sup>1</sup></b>
HPP Site <sup>2</sup>	Agricultural (including easements for existing transmission lines)
Transmission Route	Agricultural (unpaved farm road)
Natural Gas Pipeline Route	Agricultural (paved and unpaved farm road)

<sup>1</sup> Existing land uses correspond to an inventory of land uses within a one-half mile corridor centered on the transmission line and natural gas pipeline (one-quarter mile to either side) and within one mile of the proposed HPP site.

<sup>2</sup> HPP site includes 16.5-foot water line.

**Table 8.4-2**  
**Land Use Plans and Policies Related to the HPP**

<b>Authority Category</b>	<b>Policy</b>
<b>Kings County General Plan: Land Use, Resource Conservation, Open Space, and Safety Elements</b>	<p>Industrial uses must locate near adequate transportation resources and away from residential concentrations (Policy 3b).</p> <p>New development must not result in encroachment of incompatible uses (Policy 3c).</p> <p>Industrial development must use Best Available Control Technology to minimize air emissions (Policy 13b).</p> <p>Development must be located adjacent to existing development (Policy 16a).</p> <p>Agricultural lands must be maintained as open space when not necessary for other uses that promote the economy, public welfare, or quality of life for Kings County residents (Policy 22b).</p> <p>New construction astride known faults or fault lines is prohibited (Policy 36e).</p> <p>Proposed developments must be reviewed by the Fire Department to ensure compliance with building standards (Policy 36f).</p>

Source: Kings County Planning Department, 1993 [2001].

**Table 8.4-3**  
**Kings County General Plan Land Use Designations<sup>1</sup>**

<b>Kings County Land Use Designation</b>	<b>Definition</b>
General Agricultural (AG-40)	This designation is intended to preserve agricultural land and to prevent premature conversion of agricultural land to other uses. This designation includes a 40-acre minimum lot size requirement for some uses.
Exclusive Agricultural (AX)	This designation is intended to preserve agricultural land in a three-mile band around NAS Lemoore and to prevent premature conversion of agricultural land to other uses. This designation includes a 40-acre minimum lot size requirement for some uses.

<sup>1</sup> The land use designations identified have been summarized, and only those designations directly affected by the proposed HPP are discussed.

Sources: Kings County Planning Department, 1993 [2001].

**Table 8.4-4**  
**Zoning Designations Within the Study Area<sup>1</sup>**

<b>Project Component</b>	<b>Zoning Designation<sup>2</sup></b>
HPP site <sup>3</sup>	AX (County)
Transmission Route	AX (County)
Natural Gas Pipeline Route	AX (County) AG-40 (County)

<sup>1</sup> The study area consists of area within one mile of the plant site and within a one-half mile corridor centered on the proposed transmission route and water supply route (one-quarter mile to either side).

<sup>2</sup> These abbreviated zoning designations correspond with the descriptions given in Table 8.4-5.

<sup>3</sup> HPP site includes the 16.5-foot water line.

Source: Kings County Planning Department, 1999 [2000].

**Table 8.4-5**  
**Zoning Districts Within the Study Area**

<b>Kings County Zoning District</b>	<b>Description<sup>1</sup></b>
General Agriculture (AG-40)	This designation is designed to reserve the rural areas south of Kansas Avenue for commercial agricultural production. Permitted conditional uses include thermal-power-generating facilities. The minimum lot requirement for such a conditional use is one acre. §405.D.18, 405.F.4
Exclusive Agricultural (AX)	This designation is designed to reserve the rural areas in a three-mile band around NAS Lemoore for commercial agricultural production. Permitted uses include public utility and public service structures, including electric transmission and distribution substations and electric generation. The minimum lot requirement for utility-related uses is one acre. §403.D.11, 403.F.4

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**Table 8.4-5**  
**Zoning Districts Within the Study Area**

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<sup>1</sup> Reference to “compatible” uses within the descriptions are based on the zoning requirements.  
Source: Kings County Planning Department, 1999 [2000].

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**Table 8.4-6**  
**Landowners Along the Proposed Transmission and Natural Gas Routes**

<b>Assessor's Parcel Number</b>	<b>Owner(s)</b>
024-019-065 (APN for project site TBD)	John D. & Sally L. Oliveira
024-019-002	Pacific Gas & Electric Company
024-019-023	John D. & Sally L. Oliveira
024-019-066	John D. & Sally L. Oliveira
024-019-069	NewStar Fresh Foods LLC
024-026-004	Nancy L. Oliveira Revocable Trust <sup>1</sup>
024-026-018	John D. & Sally L. Oliveira <sup>1</sup>
026-001-038	West Grand Partners <sup>1</sup>
026-001-041	John D. & Sally L. Oliveira <sup>1</sup>
026-001-042	West Grand Partners <sup>1</sup>
026-002-010	Rancho Naranja
026-002-015	John D. & Sally L. Oliveira
026-002-016	K J C Farms

<sup>1</sup> Landowner of property on opposite site of 25th Avenue from proposed natural gas pipeline.

**Table 8.4-7**  
**General Plan Land Use Designations Within the Study Area<sup>1</sup>**

<b>Project Component</b>	<b>General Plan Land Uses<sup>2</sup></b>
HPP site <sup>3</sup>	Exclusive Agricultural (County)
Transmission Route	Exclusive Agricultural (County)
Natural Gas Pipeline Route	Exclusive Agricultural, General Agricultural (County)

<sup>1</sup> The study area consists of area within one mile of the plant site and within a one-half mile corridor of the proposed transmission and natural gas pipeline routes.

<sup>2</sup> General plan land use designations are defined in Table 8.4-3.

<sup>3</sup> HPP site includes the 16.5-foot water line.

**Table 8.4-8**  
**Laws, Ordinances, Regulation, and Standards for Land Use**

<b>Jurisdiction</b>	<b>Authority</b>	<b>Administering Agency</b>	<b>AFC Conformance Section</b>
Federal	Federal Aviation Regulations, Part 77, § 77.13 ff.	Federal Aviation Administration (FAA)	8.4.2.3
State	Williamson Act, California Government Code §§ 51200–51295	Department of Conservation, Office of Land Conservation; Kings County Board of Supervisors	8.4.2.2
	California Environmental Quality Act, Public Resources Code §§ 21000–21177	California Energy Commission (CEC)	AFC in its entirety
	PRC § 25523(a); 20 CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2 Subchapter 5, Appendix B, part (i)(3) and (4)	CEC	8.4.2.1
Local	Kings County General Plan	Kings County Planning Commission	8.4.3, 8.4.4, and 8.4.5
	Kings County Zoning Ordinance	Kings County Planning Commission	8.4.3, 8.4.4, and 8.4.5
	Kings County Land Division Ordinance	Kings County Planning Commission	8.4.3, 8.4.4, and 8.4.5
	Kings County Permit for Work Performed in a Right-of-Way	Kings County Public Works Department	8.4.3.3, 8.4.4.3, and 8.4.5
	Kings County Encroachment Permit for Installation of Pipelines Beneath a Transportation Corridor	Kings County/City of Taft Public Works Department	8.4.3.3, 8.4.4.3, and 8.4.5



**FIGURES**